

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                           |   |                               |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, | ) |                               |
|                           | ) |                               |
| Plaintiff,                | ) |                               |
|                           | ) |                               |
| v.                        | ) | Case No. 18-00140-01-CR-W-DGK |
|                           | ) |                               |
| CAESAR V. VACA,           | ) |                               |
|                           | ) |                               |
| Defendant.                | ) |                               |

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** On July 17, 2018, the Grand Jury returned a two-count Superseding Indictment charging Defendant Caesar V. Vaca, with being a felon in possession of a firearm and ammunition, and possession with intent to distribute cocaine.

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: William A. Alford, III/Alison Dawn Dunning  
Case Agent: Detective Mativvi  
Defense: William M. Ermine  
Investigator: Gina Slack

**OUTSTANDING MOTIONS:**

|            |                        |   |
|------------|------------------------|---|
| 08/17/2018 | <a href="#">view45</a> | *DEFENDANTS MOTION TO EXCLUDE RULE 404(b) EVIDENCE* by Caesar V Vaca (Ermine, William) Modified on 9/5/2018 to show that the filing is a motion and not a notice. (Chorny, Traci). (Entered: 08/17/2018)  |
| 08/31/2018 | <a href="#">view52</a> | MOTION for extension of time to file response/reply as to <a href="#">45</a> Notice of filing by USA as to Caesar V Vaca. Suggestions in opposition/response due by 9/14/2018 unless otherwise directed by the court. (Alford, William) (Entered: 08/31/2018) |
| 11/08/2018 | <a href="#">view60</a> | MOTION in limine to Exclude Testimony and Documents by Caesar V Vaca. Suggestions in opposition/response due by 11/23/2018 unless otherwise directed by the court. (Ermine, William) (Entered: 11/08/2018)  |

**TRIAL WITNESSES:**

Government: 12 with stipulations; 15 without stipulations

Defendants: 4 witness, including the Defendant

**TRIAL EXHIBITS**

Government: 50

Defendant: 2

**DEFENSES:** General denial.

**POSSIBLE DISPOSITION:**

( X ) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 3 days total**

Government's case including jury selection: days

Defense case:

**STIPULATIONS:** Government states there is a possible stipulation as to chemistry analysis.

**UNUSUAL QUESTIONS OF LAW:** One unusual procedural question. Because defendant prevailed on his request for severance of the two counts, there may be a novel issue as to how to proceed; whether it is the Government, defense or the court that decides which count to proceed on first. Defense counsel indicates that there is not a lot of law in this area, but it appears that the Government has to decide how it wishes to proceed and state reasons why. The Government states that they have reached out to Judge Kays' chambers asking about procedural issues. According to the Government, Judge Kays was amenable to trying Count II first, and if there is a second trial he would preside over the second trial.

**FILING DEADLINES:**

**Witness and Exhibit List** (per the Scheduling and Trial Order, all Witness and Exhibit Lists were due thirty days prior to trial)

Government: Amended Proposed Witness List filed 8/15/18  
Proposed Exhibit List filed 8/6/18

Defense: Second Proposed Witness List filed 11/8/18  
Amended Proposed Exhibit List filed 11/8/18

Updated Witness and Exhibit Lists **due on or before November 20, 2018**

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions: Due by noon, Wednesday, November 28, 2018.**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine: Due on or before November 28, 2018**

**TRIAL SETTING:** Criminal jury trial docket set for December 3, 2018.

**Please note: Please see note above under Unusual Questions of Law. Allison Dunning is second chair on this case and another case and may have one of her own. William Alford is receiving an award from Department of Justice and is set to appear in Washington D.C. on December 4<sup>th</sup>. He would prefer the second week of the docket. Defense counsel is second chairing a case with Robert Kuchar (Seneca Harrison, 18-CR-103). No objection to second week as long as the Harrison case goes onto the first week.**

**IT IS SO ORDERED.**

*/s/ Lajuana M. Counts*

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Lajuana M. Counts

United States Magistrate Judge